

Senate Daily Reader

Thursday, February 09, 2012

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State of South Dakota

EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

400T0248

HOUSE ENGROSSED NO. **HB 1049** - 1/24/2012

Introduced by: The Committee on Judiciary at the request of the Department of the Military

1 FOR AN ACT ENTITLED, An Act to add certain definitions regarding the Department of the
2 Military.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 33-1-1 be amended to read as follows:

5 33-1-1. ~~As~~ Terms used in chapters 33-1 to 33-15, inclusive, ~~unless the context otherwise~~
6 ~~plainly requires~~ mean:

7 (1) "Armed forces," includes the United States Army, the United States Navy, the United
8 States Marine Corps, and the United States Air Force;

9 (2) "Department of Defense," ~~means~~ the Department of Defense, the Department of the
10 Army, Department of the Navy, or the Department of the Air Force, as appropriate
11 under the laws of the United States; ~~and~~

12 (3) "Secretary of defense," ~~means~~ the secretary of defense, the secretary of the army, the
13 secretary of the navy, or the secretary of the air force, as appropriate under the laws
14 of the United States;

15 (4) "Servicemember," any member serving in an active duty status in the armed forces



1 of the United States, National Guard, or the Reserves;

2 (5) "Active duty," service pursuant to United States Code Title 10 or full-time National
3 Guard duty pursuant to United States Code Title 32 § 502(f)(2) as of January 1, 2012,
4 for the purpose of homeland defense operations or for state active duty pursuant to
5 § 33-9-1; and

6 (6) "Deployment," the temporary transfer of a servicemember serving in active duty
7 status to a location other than the servicemember's normal place of duty or residence
8 in support of combat or military operations. The term includes the mobilization of
9 a National Guard or Reserve servicemember to extended active duty status at any
10 continental United States installation in support of military operations. The term does
11 not include National Guard or Reserve annual training.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

771T0022

HOUSE LOCAL GOVERNMENT ENGROSSED NO. **HB 1088** - 1/26/2012

Introduced by: Representatives Street, Bolin, Deelstra, and Rausch and Senators Krebs,
Frerichs, and Nelson (Tom)

1 FOR AN ACT ENTITLED, An Act to revise certain requirements for charging and collecting
2 certain fees for confining certain people in the county jail.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 24-11-8 be amended to read as follows:

5 24-11-8. If any person is confined in any county jail by authority of the United States or of
6 any state or territory other than this state or any county other than the county in which ~~such~~ the
7 county jail is located, the sheriff, ~~jailer~~, or other person in charge of the jail, ~~shall~~ may charge
8 and collect, ~~in a sum fixed by the county in~~ addition to the charges allowed by law for ~~persons~~
9 any person confined by authority of ~~his own~~ the county, a sum necessary to fully compensate
10 and reimburse the county for money actually and necessarily expended for ~~fuel, light, utilities~~
11 and other expenses in the keeping of ~~such~~ the person, including the expense of building
12 depreciation, administration, and a reasonable charge for obsolescence of the facility and all
13 other tangible and intangible costs, to the county. The amount of the expense shall be fixed by
14 the board of county commissioners and collected by the sheriff or other person in charge of ~~such~~



- 1 the county jail in the manner and at the time other charges provided by law are ~~by him~~ collected.
- 2 Upon collection of the money, the ~~sheriff shall turn it over to the county treasurer of the county.~~
- 3 ~~The~~ money collected for building depreciation, and tangible and intangible costs ~~shall~~ may be
- 4 deposited into a special jail building fund. Moneys in the special jail building fund may only be
- 5 used to make capital improvements to the existing jail or for the building of a new jail.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

491T0656

SENATE TRANSPORTATION

ENGROSSED NO. **SB 81** - 2/6/2012

This bill has been extensively amended (houghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Brown and Haverly and Representatives Cronin, Gosch, Hansen (Jon), and Hawley

1 FOR AN ACT ENTITLED, An Act to provide for a special license plate for certain persons on
2 active duty in the military.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-5-109.4 be amended to read as follows:

5 32-5-109.4. An owner of a motor vehicle, who is a resident of this state, who has a valid
6 South Dakota driver's license, and who signs an affidavit attesting to the fact that he or she is
7 an honorably discharged veteran having served on active duty in the armed forces of the United
8 States or who is currently serving on active duty in the armed forces of the United States, may
9 apply to the secretary to receive a set of special motor vehicle license plates designating the
10 person as a veteran or active duty member. If an owner of a motor vehicle falsely attests that he
11 or she is an honorably discharged veteran having served on active duty in the armed forces of
12 the United States or is currently serving on active duty in the armed forces of the United States,
13 the owner is guilty of a Class 2 misdemeanor. The plate may allow for additional indication of
14 the conflict, rank, or status of the veteran or active duty member. The special plates shall be



1 displayed as set forth in § 32-5-98. The special license plate shall be reflectorized and validated
2 each year with a sticker in the same manner as a noncommercial license plate. In addition to the
3 noncommercial license plate fees an additional fee of ten dollars shall be charged for the initial
4 issuance of the special license plates. ~~However, no additional fee may be charged for the~~
5 ~~renewal stickers placed on the special license plates.~~ If it is determined that the veteran or active
6 duty member owner does not qualify for the special plates or if the veteran or active duty
7 member owner dies, the plates shall be surrendered to the county treasurer of the applicant's
8 residence. However, if the veteran or active duty member owner dies, the special plates may be
9 retained by the veteran or active duty member owner's family, but may not be displayed on the
10 vehicle beyond the expiration of the plates or renewal stickers. The treasurer shall notify the
11 secretary who shall make the necessary changes in the registration file. Failure to surrender the
12 special license plates as required by this section is a Class 2 misdemeanor.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

365T0301

SENATE TRANSPORTATION ENGROSSED NO. **SB 113** - 2/6/2012

Introduced by: Senators Nelson (Tom), Lederman, Peters, Putnam, and Tieszen and
Representatives Cronin, Abdallah, Kirkeby, Rozum, Solum, Turbiville, and
Verchio

1 FOR AN ACT ENTITLED, An Act to provide for special motor vehicle license plates for
2 recipients of the silver star medal and recipients of the bronze star medal.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any resident owner of a motor vehicle who has received the silver star medal and has a valid
7 South Dakota driver license may apply to the secretary to receive special license plates which
8 honor the person as a recipient of the silver star medal. Each application shall be on a form
9 prescribed by the secretary and shall include the certification from the Department of Veterans
10 Affairs. The special plates shall be numbered and contain a symbol to be determined by the
11 secretary indicating that the owner is a recipient of the silver star medal. The special plates shall
12 be displayed as set forth in § 32-5-98. The special license plate shall be reflectorized and
13 validated each year with a sticker in the same manner as a noncommercial license plate. In
14 addition to the noncommercial license plate fees, an additional fee of ten dollars shall be



1 charged for the initial issuance of the special license plates. If it is determined that the owner
2 does not qualify for the special plates, the plates shall be surrendered to the county treasurer of
3 the applicant's residence. The treasurer shall notify the secretary who shall make the necessary
4 changes in the registration file. The special plates may be retained by the owner's family upon
5 the owner's death, but may not be displayed on the vehicle beyond the expiration of the plates
6 or renewal stickers. Failure to surrender the special license plates as required by this section is
7 a Class 2 misdemeanor.

8 Section 2. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 Any resident owner of a motor vehicle who has received the bronze star medal and has a
11 valid South Dakota driver license may apply to the secretary to receive special license plates
12 which honor the person as a recipient of the bronze star medal. Each application shall be on a
13 form prescribed by the secretary and shall include the certification from the Department of
14 Veterans Affairs. The special plates shall be numbered and contain a symbol to be determined
15 by the secretary indicating that the owner is a recipient of the bronze star medal. The special
16 plates shall be displayed as set forth in § 32-5-98. The special license plate shall be reflectorized
17 and validated each year with a sticker in the same manner as a noncommercial license plate. In
18 addition to the noncommercial license plate fees, an additional fee of ten dollars shall be
19 charged for the initial issuance of the special license plates. If it is determined that the owner
20 does not qualify for the special plates, the plates shall be surrendered to the county treasurer of
21 the applicant's residence. The treasurer shall notify the secretary who shall make the necessary
22 changes in the registration file. The special plates may be retained by the owner's family upon
23 the owner's death, but may not be displayed on the vehicle beyond the expiration of the plates
24 or renewal stickers. Failure to surrender the special license plates as required by this section is

1 a Class 2 misdemeanor.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

156T0673

SENATE AGRICULTURE AND NATURAL RESOURCES

ENGROSSED NO. **SB 169** - 2/7/2012

Introduced by: Senators Hansen (Tom), Begalka, Frerichs, Krebs, Novstrup (Al), and Peters
and Representatives Street, Greenfield, Rozum, Sigdestad, and Tulson

1 FOR AN ACT ENTITLED, An Act to create certain watershed districts and to establish the
2 Regional Watershed Advisory Task Force.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 46A-14 be amended by adding thereto a NEW SECTION to read
5 as follows:

6 The James River Watershed District is hereby established. The James River Watershed
7 District may include any conservation district, or any watershed district that is formed under any
8 conservation district, located in Aurora, Beadle, Bon Homme, Brown, Clark, Davison, Day,
9 Douglas, Edmunds, Faulk, Hand, Hanson, Hutchinson, Hyde, Jerauld, Kingsbury, Marshall,
10 McCook, McPherson, Miner, Sanborn, Spink, and Yankton counties. A conservation district
11 or watershed district shall be included in the James River Watershed District upon passage of
12 a resolution to that effect by the conservation district board of supervisors. The initial board of
13 managers for the James River Watershed District shall consist of a district supervisor from each
14 conservation district who shall be nominated by the conservation district in the resolution for



1 inclusion in James River Watershed District. The James River Watershed District shall operate
2 after formation under the provisions of chapter 46A-14.

3 Section 2. That chapter 46A-14 be amended by adding thereto a NEW SECTION to read
4 as follows:

5 There is hereby established the Regional Watershed Advisory Task Force. The task force
6 shall consist of the following fourteen members:

7 (1) The speaker of the House of Representatives shall appoint four members of the
8 House of Representatives, no more than two of whom may be from one political
9 party;

10 (2) The speaker of the House of Representatives shall appoint three members of the
11 general public. At least one of the members shall have a background in natural
12 resources law, science, or management, and at least one of the members shall have
13 an agricultural or business background;

14 (3) The president pro tempore of the Senate shall appoint four members of the Senate,
15 no more than two of whom may be from one political party; and

16 (4) The president pro tempore of the Senate shall appoint three members of the general
17 public. At least one of the members shall have a background in natural resources law,
18 science, or management, and at least one of the members shall have an agricultural
19 or business background.

20 The initial appointments shall be made no later than July 1, 2012, and shall serve until
21 January 12, 2013. The speaker of the House of Representatives and president pro tempore of the
22 Senate, before the close of each regular session of the Legislature held in odd-numbered years,
23 shall appoint members to the task force for a term of two years. If there is a vacancy on the task
24 force, the vacancy shall be filled in the same manner as the original appointment.

1 Section 3. That chapter 46A-14 be amended by adding thereto a NEW SECTION to read
2 as follows:

3 The Regional Watershed Advisory Task Force established pursuant to section 2 of this Act
4 shall advise the James River Watershed District created pursuant to section 1 of this Act and any
5 other new or existing watershed district created pursuant to chapter 46A-14 on matters relating
6 to drainage, erosion, flood control, reclamation, environmental protection, and improvement of
7 lands, soils, waters, and all other authorized purposes. In addition, the task force shall consider
8 potential alternative organizational structures and entities appropriate to address such issues.
9 The task force shall report to the Senate and House of Representatives and may submit a copy
10 of its report to the Governor. The task force may present draft legislation and policy
11 recommendations to the Legislative Research Council Executive Board. The task force shall
12 make recommendations in the following areas:

- 13 (1) The proper role, purposes, structure, powers, boundaries, and financing for regional
14 and local watershed districts and the relationship of such districts to other types of
15 water and natural resources-related special purpose districts;
- 16 (2) The role of watershed districts and other state and local government entities with
17 respect to drainage issues, including drainage planning and management, resolution
18 of drainage disputes, and recommendations for potential realignment of
19 responsibilities for drainage matters; and
- 20 (3) Potential alternative organizational structures, entities, and strategies appropriate to
21 address statewide, regional, and local issues relating to water and natural resources
22 conservation, protection, management, and use.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0726

SENATE HEALTH AND HUMAN SERVICES

ENGROSSED NO. **SB 177** - 2/7/2012

Introduced by: The Committee on Health and Human Services at the request of the Office of
the Governor

1 FOR AN ACT ENTITLED, An Act to establish a program to assist rural communities to recruit
2 certain health care professionals and to repeal certain provisions regarding the physician, the
3 midlevel, and the dentist tuition reimbursement programs.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. The Department of Health may establish a program to assist rural communities
6 in recruiting physicians, dentists, physician assistants, nurse practitioners, and nurse midwives.

7 Section 2. A rural community eligible to participate in the recruitment assistance program
8 is any community in this state which:

9 (1) Has a population of ten thousand persons or less;

10 (2) Agrees to provide its portion of the incentive payment pursuant to the provisions of
11 this Act; and

12 (3) Is determined to be eligible by the Department of Health.

13 Before making a determination of eligibility, the Department of Health shall conduct a
14 community assessment designed to evaluate the community's need for eligible providers and its



1 ability to sustain and support the additional providers. The department shall maintain a list of
2 communities which have been assessed and which are eligible for participation in the
3 recruitment assistance program established by this Act. The department may revise any
4 community assessment or conduct a new assessment as necessary to reflect any change in
5 conditions within a community.

6 Section 3. A physician is eligible to participate in the recruitment assistance program
7 established pursuant to this Act if the physician is licensed to practice medicine pursuant to
8 chapter 36-4 and has completed an accredited residency program in family practice, pediatrics,
9 internal medicine, or obstetrics/gynecology, and if the physician agrees to practice in an eligible
10 rural community for a minimum period of three years. However, no more than fifteen physicians
11 may participate in the program at any specified time. Preference shall be given to physicians
12 who have graduated from the University of South Dakota School of Medicine and completed
13 an accredited residency program located in South Dakota.

14 A dentist is eligible to participate in the recruitment assistance program established pursuant
15 to this Act if the dentist is licensed to practice dentistry pursuant to chapter 36-6A and agrees
16 to practice general or pediatric dentistry in an eligible rural community for a minimum period
17 of three years. However, no more than five dentists may participate in the program at any
18 specified time.

19 A physician assistant, nurse practitioner, or nurse midwife is eligible to participate in the
20 recruitment assistance program established pursuant to this Act if the physician assistant, nurse
21 practitioner, or nurse midwife is licensed to practice pursuant to chapter 36-4A or chapter
22 36-9A, respectively, and has completed an accredited physician assistant, nurse practitioner, or
23 nurse midwife program and if the person agrees to practice as a primary care physician assistant,
24 family nurse practitioner, or nurse midwife in an eligible rural community for a minimum period

1 of three years. However, no more than a cumulative total of fifteen physician assistants, nurse
2 practitioners, or nurse midwives may participate in the program at any specified time.

3 Section 4. A physician or dentist who fulfills the requirements of the recruitment assistance
4 program established pursuant to this Act, is entitled to receive an incentive payment in an
5 amount equal to twice the University of South Dakota School of Medicine resident tuition for
6 the four most recently completed academic years.

7 A physician assistant, nurse practitioner, or nurse midwife who fulfills the requirements of
8 the recruitment assistance program established pursuant to this Act, is entitled to receive an
9 incentive payment in an amount equal to twice the University of South Dakota resident tuition
10 for physician assistant studies for the three most recently completed academic years.

11 Section 5. Any agreement for the payment of recruitment assistance pursuant to this Act
12 shall obligate the rural community to be served by a physician, dentist, physician assistant, nurse
13 practitioner, or nurse midwife to provide a portion of the total amount of the incentive payment,
14 based on the following criteria: communities of two thousand five hundred persons or less shall
15 provide twenty-five percent of incentive payments; communities of more than two thousand five
16 hundred persons and less than five thousand persons shall provide fifty percent of incentive
17 payments; and all remaining eligible communities shall provide seventy-five percent of
18 incentive payments. When the rural community certifies to the secretary of health that it has paid
19 the full amount for which it is obligated, the secretary of the Department of Health shall pay to
20 the physician, dentist, physician assistant, nurse practitioner, or nurse midwife the remaining
21 balance of the total incentive payment amount. The secretary shall pay the required amount out
22 of funds appropriated by the Legislature for such purpose. The incentive payment shall be paid
23 upon completion of the required three-year practice period by the physician, dentist, physician
24 assistant, nurse practitioner, or nurse midwife. However, a community may pay its portion of

1 the incentive payment at any time during the three-year period.

2 Section 6. Any municipality or county may appropriate funds for the purpose of carrying out
3 the provisions of this Act.

4 Section 7. No recruitment assistance agreement entered into pursuant to the provisions of
5 this Act is effective until it is filed with and approved by the secretary of health. The secretary
6 may prescribe the format of the agreements and procedures for approval.

7 Section 8. No person may participate in the program established pursuant to the provisions
8 of this Act if the person has previously participated in such program, or any other state or federal
9 scholarship, loan repayment, or tuition reimbursement program which obligates the person to
10 provide medical services within an underserved area.

11 Section 9. Any person participating in the program established pursuant to the provisions
12 of this Act shall agree to be a participating South Dakota medical assistance provider and to
13 serve any individual eligible under chapter 28-6 and may not refuse treatment to any such
14 individual while participating in the program.

15 Section 10. That § 1-16A-71.1 be repealed.

16 ~~— 1-16A-71.1. A physician is eligible to receive tuition reimbursement payments pursuant to~~
17 ~~the provisions of §§ 1-16A-71.1, 1-16A-72.1, and 1-16A-73.1 to 1-16A-73.5, inclusive, if the~~
18 ~~physician is licensed to practice medicine pursuant to chapter 36-4 and has completed a~~
19 ~~two-year or three-year accredited residency program in family practice and if the physician~~
20 ~~agrees to practice as a family physician in an eligible community for a minimum period of three~~
21 ~~years. However, no more than ten physicians may participate in this program at any specified~~
22 ~~time. Preference shall be given to physicians who have graduated from the University of South~~
23 ~~Dakota School of Medicine and completed an accredited family practice residency program~~
24 ~~located in South Dakota.~~

Section 11. That § 1-16A-72.1 be repealed.

~~1-16A-72.1. For purposes of §§ 1-16A-71.1, 1-16A-72.1, and 1-16A-73.1 to 1-16A-73.5, inclusive, an eligible community is any community in this state which:~~

~~(1) Has a population of ten thousand persons or less;~~

~~(2) Agrees to provide its portion of the tuition reimbursement payments payable to a physician who practices in the community as required by §§ 1-16A-71.1, 1-16A-72.1, and 1-16A-73.1 to 1-16A-73.5, inclusive; and~~

~~(3) Is determined to be eligible by the Department of Health.~~

~~Before making a determination under subdivision (3) of this section, the Department of Health shall conduct a community assessment designed to evaluate the community's need for a physician and its ability to sustain and support a family physician. The department shall maintain a list of communities which have been assessed and which are eligible for participation in the tuition reimbursement program established by §§ 1-16A-71.1, 1-16A-72.1, and 1-16A-73.1 to 1-16A-73.5, inclusive. The department may revise any community assessment or conduct a new assessment as necessary to reflect any change in conditions within a community.~~

Section 12. That § 1-16A-73.1 be repealed.

~~1-16A-73.1. A physician who fulfills the requirements of §§ 1-16A-71.1, 1-16A-72.1, and 1-16A-73.1 to 1-16A-73.5, inclusive, is entitled to receive tuition reimbursement in an amount equal to twice the University of South Dakota resident tuition which the physician would have paid if such physician had attended the University of South Dakota School of Medicine during the four most recently completed academic years. The amount of reimbursement does not include any interest incurred by a physician.~~

Section 13. That § 1-16A-73.2 be repealed.

~~1-16A-73.2. Any agreement for the payment of tuition reimbursement pursuant to §§ 1-16A-~~

1 ~~71.1, 1-16A-72.1, and 1-16A-73.1 to 1-16A-73.5, inclusive, shall obligate the community to be~~
2 ~~served by a physician to provide a portion of the total amount of tuition reimbursement, based~~
3 ~~on the following criteria: communities of two thousand five hundred persons or less shall~~
4 ~~provide twenty-five percent of tuition reimbursement payments; communities of more than two~~
5 ~~thousand five hundred persons and less than five thousand persons shall provide fifty percent~~
6 ~~of tuition reimbursement payments; and all remaining eligible communities shall provide~~
7 ~~seventy-five percent of tuition reimbursement payments. When the community certifies to the~~
8 ~~secretary of health that it has paid the full amount for which it is obligated, the secretary of the~~
9 ~~Department of Health shall pay to the physician the remaining balance of the total tuition~~
10 ~~reimbursement amount. The secretary shall pay the required amount out of funds appropriated~~
11 ~~by the Legislature for such purpose. Reimbursement shall be paid upon the physician's~~
12 ~~completion of the required three-year practice period. However, a community may pay its share~~
13 ~~of tuition reimbursement in installments during the required three-year period.~~

14 Section 14. That § 1-16A-73.3 be repealed.

15 ~~— 1-16A-73.3. Any municipality may appropriate funds for the purpose of carrying out the~~
16 ~~provisions of §§ 1-16A-71.1, 1-16A-72.1, and 1-16A-73.1 to 1-16A-73.5, inclusive.~~

17 Section 15. That § 1-16A-73.4 be repealed.

18 ~~— 1-16A-73.4. No tuition reimbursement agreement entered into pursuant to the provisions of~~
19 ~~§§ 1-16A-71.1, 1-16A-72.1, and 1-16A-73.1 to 1-16A-73.5, inclusive, is effective until it is filed~~
20 ~~with and approved by the secretary of health. The secretary may prescribe, by rules promulgated~~
21 ~~pursuant to chapter 1-26, the form of agreements and procedure for approval.~~

22 Section 16. That § 1-16A-73.5 be repealed.

23 ~~— 1-16A-73.5. No person may participate in the tuition reimbursement program established~~
24 ~~by §§ 1-16A-71.1, 1-16A-72.1, and 1-16A-73.1 to 1-16A-73.5, inclusive, if the person has~~

1 ~~previously participated in such program, or any other state or federal scholarship, loan~~
2 ~~repayment, or tuition reimbursement program which obligates the person to provide medical~~
3 ~~services within an underserved area.~~

4 Section 17. That § 1-16A-73.6 be repealed.

5 ~~—1-16A-73.6. A physician assistant or nurse practitioner is eligible to receive midlevel tuition~~
6 ~~reimbursement payments pursuant to the provisions of §§ 1-16A-73.6 to 1-16A-73.12, inclusive,~~
7 ~~if the physician assistant or nurse practitioner is licensed to practice pursuant to chapter 36-4A~~
8 ~~or chapter 36-9A, respectively, and has completed an accredited physician assistant or nurse~~
9 ~~practitioner program and if the person agrees to practice as a primary care physician assistant~~
10 ~~or family nurse practitioner in an eligible community for a minimum period of three years.~~
11 ~~However, no more than eight physician assistants or nurse practitioners may participate in this~~
12 ~~program at any specified time.~~

13 Section 18. That § 1-16A-73.7 be repealed.

14 ~~—1-16A-73.7. For the purposes of §§ 1-16A-73.6 to 1-16A-73.12, inclusive, an eligible~~
15 ~~community is any community in this state which:~~

16 ~~—(1)—Has a population of five thousand persons or less;~~

17 ~~—(2)—Agrees to provide the midlevel tuition reimbursement payment payable to a physician~~
18 ~~assistant or nurse practitioner who practices in the community as required by §§ 1-~~
19 ~~16A-73.6 to 1-16A-73.12, inclusive; and~~

20 ~~—(3)—Is determined to be eligible by the Department of Health.~~

21 ~~—The Department of Health shall make a determination of eligibility under subdivision (3)~~
22 ~~of this section based on an evaluation of a community's need for a physician assistant or nurse~~
23 ~~practitioner and its ability to sustain and support a physician assistant or nurse practitioner. The~~
24 ~~department shall maintain a list of communities which have been determined to be eligible for~~

1 participation in the midlevel tuition reimbursement program established by §§ 1-16A-73.6 to
2 1-16A-73.12, inclusive. The department may revise any determination as necessary to reflect
3 any change in conditions within a community.

4 Section 19. That § 1-16A-73.8 be repealed.

5 ~~— 1-16A-73.8. A physician assistant or nurse practitioner who fulfills the requirements of §§ 1-~~
6 ~~16A-73.6 to 1-16A-73.12, inclusive, is entitled to receive midlevel tuition reimbursement in an~~
7 ~~amount equal to the average resident tuition at the University of South Dakota School of~~
8 ~~Medicine's physician assistant program and the South Dakota State University School of~~
9 ~~Nursing's nurse practitioner program which the physician assistant or nurse practitioner would~~
10 ~~have paid if the physician assistant or nurse practitioner had attended training at the University~~
11 ~~of South Dakota School of Medicine's physician assistant program or the South Dakota State~~
12 ~~University School of Nursing's nurse practitioner program. If the physician assistant or nurse~~
13 ~~practitioner completed training prior to 1994, the maximum amount of midlevel tuition~~
14 ~~reimbursement shall be equal to the average resident tuition at the University of South Dakota~~
15 ~~School of Medicine's physician assistant program and the South Dakota State University School~~
16 ~~of Nursing's nurse practitioner program for the 1994-1995 school year. The amount of~~
17 ~~reimbursement does not include any interest incurred by a physician assistant or nurse~~
18 ~~practitioner.~~

19 Section 20. That § 1-16A-73.9 be repealed.

20 ~~— 1-16A-73.9. Any agreement for the payment of midlevel tuition reimbursement pursuant to~~
21 ~~§§ 1-16A-73.6 to 1-16A-73.12, inclusive, shall obligate the community to be served by a~~
22 ~~physician assistant or nurse practitioner to provide the full amount of midlevel tuition~~
23 ~~reimbursement. When the community certifies to the secretary of the Department of Health that~~
24 ~~it has paid in full the amount for which it is obligated, the secretary shall pay to the physician~~

1 ~~assistant or nurse practitioner, an amount equal to the total midlevel tuition reimbursement~~
2 ~~amount provided by the community. The secretary shall pay the required amount out of funds~~
3 ~~appropriated by the Legislature for such purpose. Reimbursement shall be paid upon the~~
4 ~~physician assistant's or nurse practitioner's completion of the required three-year practice period.~~
5 ~~However, a community may pay its share of midlevel tuition reimbursement in installments~~
6 ~~during the three-year period.~~

7 Section 21. That § 1-16A-73.10 be repealed.

8 ~~— 1-16A-73.10. Any municipality may appropriate funds for the purpose of carrying out the~~
9 ~~provisions of §§ 1-16A-73.6 to 1-16A-73.12, inclusive.~~

10 Section 22. That § 1-16A-73.11 be repealed.

11 ~~— 1-16A-73.11. No midlevel tuition reimbursement agreement entered into pursuant to §§ 1-~~
12 ~~16A-73.6 to 1-16A-73.12, inclusive, is effective until it is filed with and approved by the~~
13 ~~secretary of health. The secretary may prescribe, by rules promulgated pursuant to chapter 1-26,~~
14 ~~the form of agreements and procedures for approval.~~

15 Section 23. That § 1-16A-73.12 be repealed.

16 ~~— 1-16A-73.12. No person may participate in the midlevel tuition reimbursement program~~
17 ~~established by §§ 1-16A-73.6 to 1-16A-73.12, inclusive, if the person has previously received~~
18 ~~a midlevel practitioner education scholarship.~~

19 Section 24. That § 1-16A-73.20 be repealed.

20 ~~— 1-16A-73.20. A dentist is eligible to receive tuition reimbursement payments pursuant to~~
21 ~~the provisions of §§ 1-16A-73.20 to 1-16A-73.27, inclusive, if the dentist is licensed to practice~~
22 ~~dentistry pursuant to chapter 36-6A and agrees to practice general dentistry in an eligible~~
23 ~~community for a minimum period of three years. However, no more than five dentists may~~
24 ~~participate in this program at any specified time.~~

Section 25. That § 1-16A-73.21 be repealed.

~~1-16A-73.21. For the purposes of §§ 1-16A-73.20 to 1-16A-73.27, inclusive, an eligible community is any community in this state that:~~

~~(1) Has a population of ten thousand persons or less;~~

~~(2) Agrees to provide its portion of the tuition reimbursement payments payable to a dentist who practices in the community as required by §§ 1-16A-73.20 to 1-16A-73.27, inclusive; and~~

~~(3) Is determined to be eligible by the Department of Health.~~

~~Before making the determination under subdivision (3) of this section, the Department of Health shall conduct a community assessment designed to evaluate the community's need for a dentist and its ability to sustain and support a dentist. The department shall maintain a list of communities that have been assessed and that are eligible for participation in the tuition reimbursement program established by §§ 1-16A-73.20 to 1-16A-73.27, inclusive. The department may revise any community assessment or conduct a new assessment as necessary to reflect any change in conditions within a community.~~

Section 26. That § 1-16A-73.22 be repealed.

~~1-16A-73.22. A dentist who fulfills the requirements of §§ 1-16A-73.20 to 1-16A-73.27, inclusive, is entitled to receive tuition reimbursement in an amount equal to twice the University of South Dakota resident tuition that a physician would have paid if the physician had attended the University of South Dakota School of Medicine during the four most recently completed academic years. The amount of reimbursement does not include any interest incurred by a dentist.~~

Section 27. That § 1-16A-73.23 be repealed.

~~1-16A-73.23. Any agreement for the payment of tuition reimbursement pursuant to §§ 1-~~

~~16A-73.20 to 1-16A-73.27, inclusive, obligates the community to be served by a dentist to provide a portion of the total amount of tuition reimbursement, based on the following criteria:~~

~~—(1)—Communities of two thousand five hundred persons or less shall provide twenty-five percent of tuition reimbursement payments;~~

~~—(2)—Communities of more than two thousand five hundred persons and less than five thousand persons shall provide fifty percent of tuition reimbursement payments; and~~

~~—(3)—All remaining eligible communities shall provide seventy-five percent of tuition reimbursement payments.~~

~~—When the community certifies to the secretary of health that it has paid the full amount for which it is obligated, the secretary of the Department of Health shall pay to the dentist the remaining balance of the total tuition reimbursement amount. The secretary shall pay the required amount out of funds appropriated by the Legislature for such purpose. Reimbursement shall be paid upon the dentist's completion of the required three-year practice period. However, a community may pay its share of tuition reimbursement in installments during the required three-year period.~~

Section 28. That § 1-16A-73.24 be repealed.

~~—1-16A-73.24. Any eligible municipality may appropriate funds for the purpose of carrying out the provisions of §§ 1-16A-73.20 to 1-16A-73.27, inclusive.~~

Section 29. That § 1-16A-73.25 be repealed.

~~—1-16A-73.25. No tuition reimbursement agreement entered into pursuant to the provisions of §§ 1-16A-73.20 to 1-16A-73.27, inclusive, is effective until it is filed with and approved by the secretary of health. The secretary may prescribe, by rules promulgated pursuant to chapter 1-26, the form of agreements and procedure for approval.~~

Section 30. That § 1-16A-73.26 be repealed.

1 ~~1-16A-73.26. No person may participate in the tuition reimbursement program established~~
2 ~~by §§ 1-16A-73.20 to 1-16A-73.27, inclusive, if the person has previously participated in the~~
3 ~~program, or any other state or federal scholarship, loan repayment, or tuition reimbursement~~
4 ~~program which obligates the person to provide dental services within an underserved area.~~

5 Section 31. That § 1-16A-73.27 be repealed.

6 ~~1-16A-73.27. Any person participating in the tuition reimbursement program established by~~
7 ~~§§ 1-16A-73.20 to 1-16A-73.27, inclusive, shall agree to be a participating South Dakota~~
8 ~~medical assistance provider and to serve any individual eligible under chapter 28-6 and may not~~
9 ~~refuse treatment to any such individual while participating in the tuition reimbursement~~
10 ~~program.~~

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

974T0086

SENATE EDUCATION ENGROSSED NO. **SB 186** - 2/7/2012

Introduced by: Senators Heineman, Johnston, Kraus, Maher, Novstrup (Al), Rhoden, and
Schlekeway and Representatives Gosch, Bolin, Brunner, Hansen (Jon),
Jensen, Liss, Rausch, Sly, and Wick

1 FOR AN ACT ENTITLED, An Act to update the definition of the nonsectarian textbooks that
2 are loaned to certain students to include digital materials.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-34-23 be amended to read as follows:

5 13-34-23. Each public school board shall loan without charge to all persons ages five
6 through nineteen who are either enrolled in a public school, ~~or in a school supervised in accord~~
7 ~~with chapter 13-4~~ or a nonpublic school, or who are engaged in a course of instruction pursuant
8 to § 13-27-3, within the school district under such board's jurisdiction or who are residing in
9 such district but are not enrolled in any such school or engaged in any such course of instruction,
10 such nonsectarian textbooks designed for individual use as are normally furnished by such
11 school board to individual students enrolled in the public schools of the district under such
12 board's jurisdiction. For the purposes of this chapter, textbooks are any instructional materials
13 that constitute the principal source of teaching and learning for a given course of study including
14 print and digital materials. All such textbooks shall be approved by the respective school boards.



State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0728

SENATE EDUCATION ENGROSSED NO. **SB 191** - 2/7/2012

Introduced by: The Committee on Education at the request of the Office of the Governor

1 FOR AN ACT ENTITLED, An Act to provide for authorization to offer postsecondary
2 education services in South Dakota.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 13-48 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The terms used in this Act mean:

- 7 (1) "Accredited" or "accreditation," the status of public recognition that an accrediting
8 agency recognized by the United States Department of Education pursuant to Title
9 IV of the Higher Education Act of 1965 (20 U.S.C. § 1070 et seq.) as amended to
10 January 1, 2012, grants to an institution or educational program that meets the
11 agency's established requirements;
- 12 (2) "Complaint," an allegation that a postsecondary institution does not meet the
13 requirements of this Act; an allegation that a postsecondary institution violated
14 chapter 37-24; or an allegation raised by a student that a postsecondary institution
15 does not meet standards established by the institution's accrediting agency;



(3) "Secretary," the secretary of state;

(4) "Educational program," a program of organized instruction or study beyond secondary education that leads to an academic, professional, or vocational degree, or certificate, or other recognized educational credential;

(5) "Federal student financial assistance programs," federal student financial assistance program authorized by Title IV of the Higher Education Act of 1965 (20 U.S.C. Section 1070 et seq.), as amended to January 1, 2012;

(6) "Postsecondary institution," a person, business entity, nonprofit corporation or government entity that operates educational programs beyond secondary education.

Section 2. That chapter 13-48 be amended by adding thereto a NEW SECTION to read as follows:

No postsecondary institution may provide educational programs at physical locations in this state unless it has been issued a certificate of authorization to provide postsecondary education as provided in this Act. Additionally, except for such postsecondary institutions providing educational programs at physical locations in this state on the effective date of this Act, no postsecondary institution may publicize the availability in this state of such programs unless it has been issued a certificate of authorization to provide postsecondary education as provided in this Act.

Section 3. That chapter 13-48 be amended by adding thereto a NEW SECTION to read as follows:

To ensure that postsecondary institutions legally operating in this state as of this date and participating in the federal student financial assistance programs may comply with the state authorization regulations promulgated by the United States Department of Education on October 29, 2010, codified at 34 C.F.R. Section 600.9 and effective as of July 1, 2011, the

1 following postsecondary institutions are acknowledged by the Legislature as being authorized
2 to provide educational programs at physical locations in this state, subject to the provisions of
3 section 5 of this Act:

- 4 (1) Augustana College;
- 5 (2) Avera McKennan Hospital School of Radiologic Technology;
- 6 (3) Avera Sacred Heart Hospital of Radiologic Technology;
- 7 (4) Black Hills State University;
- 8 (5) Colorado Technical University;
- 9 (6) Dakota State University;
- 10 (7) Dakota Wesleyan University;
- 11 (8) Globe University;
- 12 (9) Kilian Community College;
- 13 (10) Lake Area Technical Institute;
- 14 (11) Mitchell Technical Institute;
- 15 (12) Mount Marty College;
- 16 (13) National American University;
- 17 (14) Northern State University;
- 18 (15) Presentation College;
- 19 (16) Sanford Medical Center;
- 20 (17) Sioux Falls Seminary;
- 21 (18) South Dakota School of Mines and Technology;
- 22 (19) South Dakota State University;
- 23 (20) Southeast Technical Institute;
- 24 (21) University of Sioux Falls;

(22) University of South Dakota; and

(23) Western Dakota Technical Institute.

Section 4. That chapter 13-48 be amended by adding thereto a NEW SECTION to read as follows:

The secretary shall issue a certificate of authorization to provide postsecondary education to any postsecondary institution named in section 3 of this Act. The secretary also may issue a certificate of authorization to provide postsecondary education to any other postsecondary institution to provide educational programs at physical locations in this state if the postsecondary institution:

(1) Is established as an instrumentality of this state, or is legally established to operate as a private business entity or nonprofit corporation in accordance with applicable state law; and

(2) Is accredited or is operating under an affiliation agreement whose terms make an accredited postsecondary institution responsible for awarding academic credit and educational credentials to its students and maintaining transcripts for such students.

Section 5. That chapter 13-48 be amended by adding thereto a NEW SECTION to read as follows:

Authorization to provide educational programs at physical locations in this state, once granted by the secretary, is continuous so long as the postsecondary institution continues to meet the requirements set forth in section 4 of this Act.

Section 6. That chapter 13-48 be amended by adding thereto a NEW SECTION to read as follows:

The secretary shall maintain a registry of all postsecondary institutions authorized by this Act and such other postsecondary institutions for which it has issued a certificate of

1 authorization to provide postsecondary education. If any institution changes the name under
2 which it operates its educational programs, or the physical location of any campus, the
3 institutions shall notify the secretary in writing within thirty days of such change and the
4 secretary shall, as needed, issue an updated certificate of authorization to provide postsecondary
5 education. The secretary shall develop, by rules promulgated pursuant to chapter 1-26, such
6 forms and procedures as may be necessary to administer the requirements of this Act.

7 Section 7. That chapter 13-48 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 The Office of Attorney General, Division of Consumer Protection, shall review and act on
10 complaints, as such term is defined by this Act, concerning postsecondary institutions providing
11 educational programs at physical locations in the state, including, as necessary, requiring a
12 postsecondary institution to cease its operations in the state. If a complaint relates to a
13 postsecondary institution controlled by the Board of Regents, the attorney general shall refer the
14 matter to the Board of Regents. In all other cases, the attorney general shall refer the complaint
15 to the institution and provide the institution with no less than thirty days to respond to the
16 matters set forth in the complaint, including an opportunity to demonstrate any actions it has
17 taken or plans to take in response to the complaint, and to consider whether the complainant has
18 exhausted all available administrative remedies within the institutions's policies and procedures.
19 In administering the requirements of this section, the attorney general may refer a complaint to
20 an institution's accrediting agency for review and investigation, with the accrediting agency
21 providing a report of its investigation to the attorney general for further disposition. In enforcing
22 this Act, the attorney general has all the enforcement powers, authorities, and remedies provided
23 by chapter 37-24.

24 Section 8. That chapter 13-48 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 The provisions of this Act do not apply to postsecondary institutions:

3 (1) Established by the government of the United States;

4 (2) Established by the government of an Indian tribe whose tribal lands are located, in
5 whole or in part, in this state;

6 (3) Established by owned, controlled, operated, and maintained by a religious
7 organization lawfully operating as a nonprofit religious corporation and awarding
8 only religious degrees or certificates for the purpose of conferring clerical status or
9 authority within that religion; or

10 (4) Subject to the jurisdiction and regulations to the South Dakota Cosmetology
11 Commission.